

Message Text

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C O N F I D E N T I A L VIENNA 10520

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TAGS: PFOR, GE, GW, USSR, AU
SUBJECT: AUSTRIA AND THE BERLIN CLAUSE

REF: A) VIENNA 9295 B) USBERLIN 2447 C) BONN 19380

SUMMARY: SOVIETS HAVE RECENTLY OBJECTED TO PROPOSED
AUSTRIAN APPROACH TO BREAK IMPASSE OVER DIFFERING INTER-
PRETATIONS BY FRG AND USSR ON BERLIN CLAUSE WHICH HOLDING
UP AGREEMENT ON 17 AUSTRIAN-FRG DRAFT TREATIES. AUSTRIANS
NEVERTHELESS ARE HOPEFUL THAT AFTER FURTHER MODIFICATION
OF WORDING OF EXPLANATION TO ACCOMPANY TREATIES, SOVIET
TOLERATION OF AGREEMENTS CAN BE ASSUMED AND FIRST OF
TREATIES CAN BE PRESENTED TO AUSTRIAN PARLIAMENT FOR
CONSIDERATION ARLY NEXT YEAR. END SUMMARY

1. SOVIET AMBASSADOR REGISTERED FAIRLY STRONG ORAL AND
WRITTEN OBJECTIONS AT END OF NOVEMBER TO AUSTRIAN
MFA REGARDING APPROACH MFA HAD DEVELOPED IN HOPES
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OF SATISFYING BOTH FRG AND USSR ON USE OF BERLIN
CLAUSE (PAA 2 REFTL A) IN PENDING DRAFT AUSTRIAN-
FRG AGREEMENTS. BRIEFLY, APPROACH FORESAW USE AS
HERETOFORE OF LAND BERLIN DESIGNATION IN TEXT OF
TREATIES WHILE, AS EFFORT TO PLACATE USSR, PRE-
SENTATION OF TEXT TO AUSTRIAN PARLIAMENT WOULD INCLUDE

EXPLANATION THAT LAND BERLIN REFERS ONLY TO WESTERN SECTORS OF BERLIN WHICH ARE NOT PART OF FRG. AUSTRIANS WERE INITIALLY ENCOURAGED BY FACT THAT DISCUSSION OF APPROACH WITH SOVIET EMBASSY DCM IN EARLY NOVEMBER DID NOT PRODUCE NEGATIVE REACTION; IT WAS FELT THAT WHILE SOVIETS COULD NOT BE EXPECTED TO APPROVE AUSTRIAN APPROACH, THEY MIGHT TOLERATE IT IN BROADER INTEREST OF DETENTE, BILATERAL RELATIONS, ETC.

2. SOVIET AMBASSADOR, HOWEVER, DAMPENED MFA'S GUARDED OPTIMISM WHEN HE PAID UNANTICIPATED CALL ON FONMIN AT END OF NOVEMBER AND, FOLLOWING ORAL REPRESENTATIONS AGAINST AUSTRIAN SCHEME, LEFT NON-PAPER SETTING FORTH IN GREATER DETAIL SOVIET OBJECTIONS. MAIN POINTS OF SOVIET LINE OF ARGUMENTATION FOLLOW:

(1) USE OF LAND BERLIN CLAUSE, AS DESIRED BY FRG, WOULD BE QTE CONCESSION TO ILLEGITIMATE PRETENTIONS OF FRG UNQTE AND REPERSENT ATTEMPT TO INFRINGE ON COMPETENCIES OF CAPITAL OF GDR AND INTERFERE IN INTERNAL AFFAIRS OF GDR;

(2) FRG HAS ALREADY CONCLUDED TREATIES WITH QTE SOCIALIST COUNTRIES AND FINALAND UNQTE USING BERLIN WEST CLAUSE WHICH CORRESPONDS TO QUADRIPARTITE AGREEMENT (QA) OF SEPTEMBER 3, 1971; AUSTRIA SHOULD THEREFORE DO SAME;

(3) EXPLANATION PROPOSED BY AUSTRIA DOES NOT MAKE USE OF AUTHENTIC TEXT OF QA BUT OF WEST BERLIN VARIANT OF CONFIDENTIAL

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TRANSLATION OF DOCUMENT INTO GERMAN, WHICH VIOLATES SENSE OF QA:

(4) PROPOSED AUSTRIAN EXPLANATION, BY CITING QTE STIPULATIONS OF QA'S ESTABLISHED PROCEDURES UNQTE, WOULD BE CONTRARY TO LEGAL SITUATION WHICH PROVIDES FOR EXTENDING CERTAIN TYPES OF AGREEMENTS WITH FRG TO INCLUDE WEST BERLIN ON BASIS OF QA, NOT ON BASIS ANY SO-CALLED QTE ESTABLISHED PROCEDURES. UNQTE

(5) INTERNATIONAL AGREEMENTS WITH FRG WHICH DEAL WITH QUESTIONS OF STATUS OR SOVEREIGNTY OF BERLIN CANNOT BE EXTENDED TO INCLUDE WEST BERLIN.

3. AUSTRIAN MFA CONSIDERS LATEST SOVIET INTERVENTION TO HAVE ONCE AGAIN COMPLICATED, BUT HOPEFULLY ONLY

TEMPORARILY, MATTER FOR GOA. ACCORDING TO DECEMBER 28

COMMENTS OF SENIOR AUSTRIAN MFA SOURCE, AUSTRIAN WORDING OF EXPLANATION, WHICH MODIFIED SLIGHTLY AFTER AUSTRIAN-FRG DISCUSSIONS IN BONN IN MID-NOVEMBER, WILL PROBABLY NOW BE FURTHER MODIFIED. POSSIBILITY IS ALSO NOW CONSIDERED OF HAVING AUSTRIAN EXPLANATION SIDESTEP CONTROVERSY OVER FRG-GDR VERSIONS OF GERMAN TRANSLATION OF PERTINENT PASSAGES (PART II B) OF QA BY PUBLISHING SAME PASSAGES NOT IN GERMAN BUT ONE OF AUTHENTICATED LANGUAGES OF QA (E.G., FRENCH).

4. AT THIS JUNCTURE, AUSTRIAN MFA STILL HOPES TO MOLLIFY SOVIETS WITH EXPLANATION WHILE MEETING FRG WISHES WITH LAND BERLIN CLAUSE IN TEXT OF TREATIES. IF SUCH PROVES FEASIBLE, MFA WOULD ANTICIPATE FIRST OF 17 PENDING AUSTRIAN-FRG TREATIES BEING PRESENTED TO AUSTRIAN PARLIAMENT FOR APPROVAL EARLY NEXT YEAR.

5. FOREGOING INFORMATION ON SOVIET ATTITUDES AND CONFIDENTIAL

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AUSTRIA'S LIKELY NEXT STEPS ON ISSUE PROVIDED EMBASSY BY MFA WITH UNDERSTANDING THAT IT NOT BE PASSED TO FRG SINCE GOA HAS NOT YET DISCUSSED ISSUE AGAIN WITH FRG. BUCHANAN

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